

(O-88-46)  
ORDINANCE NUMBER O-17000 (NEW SERIES)  
ADOPTED ON JANUARY 4, 1988

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,  
DIVISION 41, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTIONS 33.4101 THROUGH 33.4110  
REGULATING THE OPERATION OF CASINO PARTIES.

WHEREAS, it is the intent of the Council of The City of San Diego to expand the types of tax exempt organizations permitted to conduct casino parties; and

WHEREAS, it is the intent of the Council of The City of San Diego to establish a licensing fee for processing casino party applications; and

WHEREAS, it is the intent of the Council of The City of San Diego to change certain operating conditions and requirements for casino parties; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, Division 41, of the San Diego Municipal Code be and the same is hereby amended by changing Sections 33.4101 through 33.4110 to read as follows:

DIVISION 41

CASINO PARTY

SEC. 33.4101 LICENSE REQUIRED

(a) It shall be unlawful for any person to conduct any casino party in the City of San Diego unless such person is a member of a tax exempt organization, as defined in this Division, acting on behalf of such tax exempt organization and such organization has been issued a license as provided by this Division.

(b) No change in this subsection.

SEC. 33.4102 LICENSE NOT TRANSFERABLE

Each license issued hereunder shall be issued to a specific individual on behalf of a tax exempt organization to conduct a casino party at a specific location and on one specific date and shall in no event be transferred from one person to another nor from one location or date to another.

SEC. 33.4103 DEFINITIONS For the purpose of this

Division, the following words and phrases shall mean:

(a) No change in this subsection.

(b) TAX EXEMPT ORGANIZATION shall mean any organization exempted from the payment of the Bank and Corporation Tax by Section 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code.

No changes in subsections (c) through (i).

(j) GAMING EQUIPMENT SUPPLIER shall mean any person or entity subject to the provisions of Section 31.0301 and which is engaged in the business of leasing, renting, operating or otherwise providing specialized gaming tables, devices, equipment and/or supplies used in the activities regulated by this division.

(k) SUPPLIER EMPLOYEE shall mean any person who is present during the period of operation of a casino party and who is compensated for said presence by a gaming equipment supplier.

#### SEC. 33.4104 APPLICATION

An application for a casino party shall be made to the Chief of Police accompanied by a non-refundable fee of \$50.00 on forms provided by the Chief of Police not less than thirty (30) days prior to the proposed date of the party. The application for a casino party shall contain the following:

(a) A list of all volunteers who will participate in the operation of the casino party, including full names of each volunteer, date of birth, place of birth, physical description, home address and home telephone number. The Chief of Police may waive the thirty (30) day application requirement for this subsection upon a showing of good cause.

(b) Name and address of company or individual as defined in Section 33.4103(j) above that will be furnishing casino personnel, equipment or devices.

(c) No change in this subsection.

(d) Casino Managers. Concurrently with the filing of an application for a casino party license each applicant shall file a statement specifying the names and addresses of two persons who shall manage, supervise and be responsible for the

conduct of the casino party. At least one of the casino managers shall be present on the premises at all times during which a casino party is being conducted.

#### SEC. 33.4105 APPLICATION INVESTIGATION

Upon receipt of an application for a license the Chief of Police shall make an investigation of the applicant. The Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to conduct a proper investigation of the applicant.

The Chief of Police and every officer and/or City Department to which an application is referred may investigate the truth of any matters set forth in the application, the character of the applicant and may examine the premises to be used for the casino party to ensure that it complies with all health, fire and zoning regulations.

The Chief of Police shall issue the license unless he finds that the applicant has knowingly made any false, misleading or fraudulent statement or omission of material fact in the application for the license or that the organization is not a tax exempt organization or if the applicant has had a previous casino party license revoked within five (5) years immediately preceding the date of the application or that the applicant has conducted two casino parties in the City of San Diego within the last twelve (12) months or that such organization has not been located and operating within the limits of the City of San Diego for a period of more than 180 days prior to the date of application.

#### SEC. 33.4106 DENIAL OR REVOCATION OF LICENSE

No change in this section.

#### SEC. 33.4107 REGULATIONS

(a) Any police officer shall have free access to any casino party licensed under this Division. The licensee shall have the casino party license and a list of approved volunteers of the tax exempt organization and supplier employees who will operate the casino party available for inspection at all times during the event.

No changes in subsections (b) through (j).

(k) The casino managers and all cashiers,

volunteers, supervisors, persons assigned to operate any gaming tables or persons who participate in the promotion of any games during the operation of the casino party must each wear on his or her outside clothing, in plain view, at chest height, an identification insignia or badge specifying the full name and affiliation of such person.

SEC. 33.4108 REVOCATION OF LICENSE

No change in this section.

SEC. 33.4109 PENALTIES

No change in this section.

SEC. 33.4110 SEVERABILITY

If any provision, clause, sentence or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can be given effect without the invalid provision or application and to this end the provisions of this Division are hereby declared to be severable.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

Grant Richard Telfer

Deputy City Attorney

GRT:lfs:041

09/02/87

Or.Dept:Police

O-88-46

Form=o.none